

**REMARKS**

Applicants respectfully request further examination and reconsideration in view of the arguments set forth fully below. In the Office Action mailed March 1, 2006, claims 1-27 have been rejected. In response, the Applicants have submitted the following remarks. Accordingly claims 1-27 are still pending. Favorable reconsideration is respectfully requested in view of the remarks below.

**Rejections Under 35 U.S.C. §102**

Claims 1-27 have been rejected under 35 U.S.C. §102(e) as being anticipated by U.S. Patent No. 6,322,504 Kirshner (hereinafter Kirshner). The Applicants respectfully disagree with this rejection.

Kirshner teaches an interactive computerized method and system for determining the risk of developing a disease, consequences of the disease, providing ways of modifying the risk, and tracking the progress of an individual as his or her risk factors change or remain the same (Kirshner, abstract). The method and system gathers responses to questions from a patient pertaining to risk factors for the selected disease and determines the risk of the individual patient developing the disease or the associated consequences of having the disease using the responses to the questions and a set of practice guidelines for that disease. The system and method of Kirshner transmits a summary of positive risk factors and risk modification information to the individual and tracks the changes in the responses and the positive risk factors of the individual over time (Kirshner, abstract).

Within the Office Action, it is stated that Kirshner teaches determining the likelihood of the presence of a condition of a patient's heart based on at least one parameter value. The Office Action cites the Kirshner reference, column 12, lines 8-13 to

teach this limitation. Referring to column 12, lines 8-13, Kirshner teaches generating a risk factor summary based on information provided to the system and method of Kirshner by the user including physical characteristics, lifestyle information, and medical history. The positive risk factors included in the risk factor summary are factors that indicate a user may be at risk for a disease. Kirshner goes on, in column 12, lines 15-45, to illustrate an example of a listing of positive risk factors from a risk factor summary. Kirshner does not teach calculating a likelihood of the presence of a condition of a patient's heart based on at least one parameter value, and further does not teach calculating a percentage probability as is taught and claimed in the present invention.

Within the Office Action, it is also stated that in column 14, lines 34-36 and column 17, lines 29-57, that Kirshner teaches the step of determining as described above, including the step of comparing at least one parameter value of the biomedical signal with all corresponding parameter values stored in a database. Referring to column 14, lines 34-36 Kirshner teaches that information provided by the user pertaining to, in this case, chest pain, may be stored in a probability diagnosis database. Furthermore, referring to column 17, lines 29-57, Kirshner teaches comparing current status of a risk factor with the previous status of the risk factor of that particular patient. However Kirshner does not teach comparing the at least one parameter value of the biomedical signal with all corresponding parameter values stored in a database, wherein all of the corresponding parameter values include collected parameter values from a plurality of additional patients, and not just the subject patient's data.

In contrast to the teachings of Kirshner, the method and system of the present invention determines the likelihood of the presence of a condition of a patient's heart by comparing the at least one parameter value of a biomedical signal of the patient to all corresponding parameter values stored in a database. The database of the present

invention stores parameter values of ECGs (biomedical signals) of a large number of patients, and compares those parameter values to the subject patent's parameter value to calculate a probability of the presence of a condition of that patient's heart (present invention, paragraphs 21-22).

The independent claim 1 is directed to a method for determining the presence of a condition of a patient's heart comprising the steps of, reading at least one parameter value of biomedical signal of a patient, and determining the likelihood of the presence of a condition of a patient's heart based on the at least one parameter value, the step of determining including the step of comparing the at least one parameter value of the biomedical signal with all corresponding parameter value stored in the database. As described above, Kirshner does not teach the step of determining including the step of comparing the at least one parameter value of the biomedical signal with all corresponding parameter values stored in a database. For at least these reasons the independent claim 1 is allowable over the teachings of Kirshner.

The independent claim 12 is directed to a computer program for performing steps of a method for determining the presence of a condition of a patient's heart, reading at least one parameter value of a biomedical signal of a patient and determining the likelihood of the presence of a patient's heart based on the at least one parameter value, the step of determining including the step of comparing the at least one parameter value of the biomedical signal with all corresponding parameter values stored in a database. As described above, Kirshner does not teach the step of determining, including the step of comparing the at least one parameter value of the biomedical signal with all corresponding parameter values stored in a database. For at least these reasons, the independent claim 12 is allowable over the teachings of Kirshner.

Claims 13-16 are dependent upon the independent claim 12. As discussed above, the independent claim 12 is allowable over the teachings of Kirshner. Accordingly, claims 13-16 are also allowable as being dependent upon an allowable base claim.

The independent claim 17 is directed to a system comprising a server, a computer program stored on the server for performing a method of determining the presence of a condition of a patient's heart, the method comprising the steps of reading at least one parameter value of a biomedical signal of a patient and determining the likelihood of the presence of a condition of a patient's heart based on the at least one parameter value, the step of determining including the step of comparing the at least one parameter value of the bio-medical signal with all corresponding parameter values stored in the database and a client and a web browser stored thereon for enabling a user to access the computer program. As described above, Kirshner does not teach the step of determining including the step of comparing the at least one parameter value of the biomedical signal with all the corresponding values stored in a database. For at least these reasons, the independent claim 17 is allowable over the teachings of Kirshner.

Claims 18-22 are dependent upon the independent claim 17. As discussed above, the independent claim 17 is allowable over the teachings of Kirshner. Accordingly, claims 18-22 are also allowable as being dependent upon an allowable base claim.

The independent claim 23 is directed to a system comprising means for reading at least one parameter value of a biomedical signal of a patient and means for determining the likelihood of the presence of a condition of a patient's heart based on the at least one parameter value, the means for determining including means for comparing the at least one parameter value of the biomedical signal with all corresponding parameter values stored in a database. As described above, Kirshner does not teach the means for

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Amendment Dated March 20, 2006  
Reply to Office Action of March 1, 2006


determining including means for comparing the at least one parameter value of the biomedical signal with all corresponding parameter values stored in the database. For at least these reasons, the independent claim 23 is allowable over the teachings of Kirshner.

Claims 24-27 are dependent the independent claim 23. As discussed above, the independent claim 23 is allowable over the teachings of Kirshner. Accordingly, claims 24-27 are also allowable as being dependent upon an allowable base claim.

For these reasons, Applicants respectfully submit that all of the claims are now in a condition for allowance, and allowance at an early date would be appreciated. Should the Examiner have any questions or comments, they are encouraged to call the undersigned at 414-271-7590 to discuss the same so that any outstanding issues can be expeditiously resolved.

Respectfully submitted,

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